

**Strategic Toxic Air Reduction (STAR) Program
Formal Public Review**

Strategic Toxic Air Reduction (STAR) Program Regulations

- A. Amendment to Regulation 1.02 *Definitions*, Version #11, Draft #2 - Proposed, January 10, 2005
- B. Amendment to Regulation 1.06 *Source Self-Monitoring and Reporting*, Version #7, Draft #2 - Proposed, January 10, 2005
- C. Amendment to Regulation 1.07 *Excess Emissions During Startups, Shutdowns, and Malfunctions*, Version #8, Draft #2 - Proposed, January 10, 2005
- D. New Regulation 1.20 *Malfunction Prevention Programs*, Version #1, Draft #2 - Proposed, January 10, 2005
- E. New Regulation 1.21 *Enhanced Leak Detection and Repair (LDAR) Program*, Version #1, Draft #2 - Proposed, January 10, 2005
- F. Amendment to Regulation 2.08 *Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees*, Version #20, Draft #2 - Proposed, January 10, 2005
- G. Amendment to Regulation 3.01 *Purpose of Standards and Expression of Non-Degradation Intention*, Version #4, Draft #2 - Proposed, January 10, 2005
- H. Repeal of Regulation 3.02 *Applicability of Ambient Air Quality Standards*, Version #4, Draft #1 - Proposed, September 16, 2004
- I. Repeal of Regulation 3.03 *Definitions*, Version #4, Draft #1 - Proposed, September 16, 2004
- J. Repeal of Regulation 3.04 *Ambient Air Quality Standards*, Version #6, Draft #1 - Proposed, September 16, 2004
- K. Repeal of Regulation 3.05 *Methods of Measurement*, Version #5, Draft #1 - Proposed, September 16, 2004
- L. Amendment to Regulation 5.01 *General Provisions*, Version #4, Draft #2 - Proposed, January 10, 2005
- M. Repeal of Regulation 5.03 *Potential Hazardous Emissions*, Version #3, Draft #1 - Proposed, September 10, 2005
- N. Amendment to Regulation 5.11 *Standards of Performance for Existing Sources Emitting Toxic Air Pollutants*, Version #3, Draft #2 - Proposed, January 10, 2005
- O. Amendment to Regulation 5.12 *Standards of Performance for New or Modified Sources Emitting Toxic Air Pollutants*, Version #3, Draft #2 - Proposed, January 10, 2005
- P. New Regulation 5.20 *Methodology for Determining Benchmark Ambient Concentration of a Toxic Air Contaminant*, Version #1, Draft #2 - Proposed, January 13, 2005
- Q. New Regulation 5.21 *Environmental Acceptability for Toxic Air Contaminants*, Version #1, Draft #2 - Proposed, January 10, 2005
- R. New Regulation 5.22 *Procedures for Determining the Maximum Ambient Concentration of a Toxic Air Contaminant*, Version #1, Draft #2 - Proposed, January 10, 2005
- S. New Regulation 5.23 *Categories of Toxic Air Contaminants*, Version #1, Draft #2 - Proposed, January 10, 2005
- T. New Regulation 5.30 *Report and Plan of Action for Identified Source Sectors*, Version #1, Draft #1 - Proposed, January 10, 2005

I. Public Comment Period: 1-14-05 to 2-14-05

1. The following written comments addressing specific provisions of the proposed STAR Program regulations were received by the District:

American Chemistry Council	Linebach Funkhouser, Inc.
American Lung Association of Kentucky	Louisville Chemistry Partnership (LCP)
American Synthetic Rubber Company	Louisville Gas & Electric Company
Arkema, Inc.	Louisville Medical Center
Associated Industries of Kentucky	NAACP
Brown-Forman	National Paint & Coatings Association
Borden Chemical, Inc.	Noveon, Inc.
Caldwell Tanks, Inc.	Oxy Vinyls, LP
Dupont Dow Elastomers LLC	Plantmix Asphalt Industry of Kentucky
DuPont Fluoroproducts	Rubbertown Emergency Action (REACT)
Engelhard Corporation	Rohm & Haas Company
Environmental Integrity Project	Sierra Club, Greater Louisville Chapter
Ford Motor Company	Solae (d.b.a. DuPont Soy Polymers)
Formaldehyde Council	Subra Company
GE Consumer and Industrial	Süd-Chemie, Inc.
Greater Louisville Incorporated	US EPA Region 4
Kentuckiana Engineering	University of Louisville
Kentucky Paint Council	UPS (United Parcel Service, Inc.)
Kentucky Resources Council	West Jefferson County Task Force
The Libertarian Party of Kentucky	Zeon Chemicals, LP

These comments may be viewed on the District's web page at
<http://www.apcd.org/star/comments2/>

2. The following written comments on the proposed STAR Program received by the District are more general in nature and summarized below or else were received as paper letters or cards.

A. Written comments from the following individuals expressed general support for adoption of the STAR Program:

Earl R. Wilson	Clara Hendricks
Janet Falcone 40205	Lauren Mitchell 40205
Jerry Greenlee 40220	Margaret C. Hyland 40205
Jamey Aebersold 47151	Virginia Ratterman/Bush
Jenny Glantz 40204	Kenneth J. Palmgreen
Judith Lyons 40203	Nick Braden 40208
John E. Adams	Dr. Karen Cairns
JoAnna Mercer	Jodie B. Goldberg 40223
Harold Trainer 40059	Kathy Wallace 40205
Suzanne De Gregorio 40222	Floyd and Estelle Benner

Susie Lile 40209
 Steve, Joy, Casey, and Laura Henry 40207
 Emily C. Boone 40206
 Teena Halbig 40299
 Richard J. Evans 40258
 Bill Gawarecki 40258
 Sarah Lynn Cunningham 40204
 Mark A. Atwell 40223
 Ann Walsh 40208
 Barry Norris
 Heather Watson 40218
 Jerome Neukerch 40208
 James and Carol Jefferson 40225
 John C. Morrison 40208
 Doris R. Peacock 40211
 Sallie Cuaresma 40202
 Eleanor Self 40204
 Beth Wilson 40202
 Tyler Fairleigh 40206
 David Morrison 40208
 Sam Todd 40206
 Jeanette McDermott 40204
 Cyd Ryun 40211
 Joyce A. Ware 40212
 The Rev. Fred R. Withers 40211
 Gracie Lewis 40201
 Vanessa Gail Helinger 40208
 Rob Bower
 Marie Schneider 40217
 Joan P. Kincade
 Christopher L. Kincade
 Wanda Mitchell Smith
 D. J. McClure 40118
 Dave and Polly Johnson
 Cylista Williams
 Thomas Bernal 40208
 Sam Avery 40207
 Pamela J. McMichael 40059
 Terry Mickler 40206
 Patricia A. Geier 40205
 George R. Edwards 40205
 Mary Harvath 40205
 Ann Crews Melton 40204
 J. Miller 40205
 Janet Wilborn 40242
 D'Wain and Mordeau Archer 40208

Angelyn Rudd 40207
 Maurice Ponocer 40204
 Aron Ballard 40211
 Sena Naslund 40208
 Arch B. Taylor, Jr. 40204
 Tomella Bowden 40212
 Carl Wedekind 40204
 Shauntrice Lanice Martin 40204
 Eddie Davis 40211
 Bani Hines-Hudson 40212
 K. A. Owens 40206
 Sandra Pope 40211
 Anne Braden 40211
 Rita C. Lord 40241
 Peggy Kidwell 40250
 George Adams 40223
 Cate Fosl 40205
 David Horvath 40205
 Theodore E. Owens 40206
 James Fisher 40212
 Lawrence Winburn, Sr.
 Walter Bedford, Jr. 40204
 Ted Schlecter 40214
 Christy Swan 40203
 Ira Grupper 40205
 Thomas Moffett 40211
 Nancy Dematra
 Marcelles Watson 40211
 J. B. Hudson 40212
 A. S. Reynolds 40211
 David Lott 40204
 Pat Bricking 40206
 Alice Wade 40211
 Ivonne Rovira 40205
 Michael Duncan 40214
 Liz Clark 40212
 David Anderson
 Bill Allison
 Larry Hovekamp 40218
 Helena Phelps 40212
 Teve and C. Saucedo 40222
 Pat Allison 40205
 Geoffrey and Karen Root 40211
 Christina Baldon 40208
 Beverly Duncan
 Ibrahim Imam 40223

Brook Pardue 40241

Karen Christopher 40204

B. Written comments from the following organizations or businesses expressed general support for adoption of the STAR Program:

Kentuckians For The Commonwealth
The Sisters of Charity of Nazareth
Dominican Earth Center
Premier Home Care Inc.
Ohio Citizen Action
Calhoun County (Texas) Resource Watch

Community In-power and Development
Port Arthur, Texas
Beaumont, Texas
Citizens Environmental Coalition (NY)
The Working Group on Community Right-to-Know, a project of OMB Watch
Global Community Monitor (California)

C. Written comments from the following individuals or businesses expressed general concern with adoption of the STAR Program:

Jalonda K. Blanford 40218
Betty Moorman 40108
Kimberly K. Reilly
Cindy Federico

The Argus Company
HyKlas Paints
Joe Baker

D. 3,689 cards with the following text were received:

Everyone should be able to breathe safe and clean air!

The EPA has rated Louisville's air as the unhealthiest in the southeast region of the United States. The time has come for the city of Louisville to get rid of the label of having the unhealthiest air in the southeastern region and become a city willing to accept the challenge of creating a clean and safe environment for its people.

Given that the highest priority of city government, its agencies and its boards is to protect the health and safety of city residents, we call on you as members of the Louisville Metro Air Pollution Control Board to:

- Approve the Strategic Toxic Air Reduction Program before January 1, 2005.
- Pass a board resolution that recommends local control over our local air.
- Approve the Strategic Toxic Air Reduction (STAR) program.

[Note: Only the first two points were included on some cards and only the third point was included on the other cards. There was a slight difference in the wording of the text between the two different versions of these cards.]

E. 179 cards from Zeon employees, spouses or other family members of Zeon employees, or friends of Zeon employees with the following text were received:

My employer, Zeon Chemicals L.P., will be dramatically impacted by the proposed STAR air toxics regulations. While I support appropriate regulation of air toxics in Louisville Metro, any program must be reasonable. The STAR regulations, as currently drafted, are not reasonable. A few among many reasons are as follows:

- The Zeon Chemicals L.P. - KY Plant has reduced emissions of our acrylonitrile (AN) and 1,3-butadiene (BD) by over 71% since taking ownership of the facilities in 1989. While I agree that further reductions may be necessary, preliminary STAR modeling indicates that we may now have to reduce AN and BD by more than an additional 97%. This is not reasonable regulation of our emissions.
- The APCD has estimated that most required emission reductions can be made for \$5,000 to \$10,000 per ton of reduced emissions. Using EPA cost estimating tools, just one of our main dryer lines could cost over \$250,000 per ton to control AN and BD. This is not reasonable regulation of our emissions.
- The regulatory framework for applying good health research information is far too conservative. Two examples: STAR residential risk levels are applied anywhere outside plant fence lines, regardless of whether or not people live in such areas; and more specifically, STAR deems ethyl acrylate to be a carcinogen, something that other major references (ACGIH, IRIS, NTP) do not indicate. This is not reasonable regulation of our emissions.

I urge the APCD Board to direct further work on the STAR regulations into a true multi-stakeholder development process. Through such a process, our health and that of our neighbors will be protected by the most reasonable means available.

Note: The specific issues raised will be addressed in the comment/response document, identifying the "179 cards."

F. Ten letters, as identified below, with the following text were received:

Kerry Haight 40031
Cindy Haight 40031
Jim Harris
Joyce A. Harris
Carey Guess 40222

Donna K. Gaus
Michael Flynn 40214
Darren Kremer 40223
William R. Kremer 40223
Kurt A. Logsdon

I am concerned about the proposed STAR package. Please consider these comments and concerns:

- ★ The West Louisville Air Toxics Risk Assessment Report only identified 18 chemicals of concern. There is no basis for local regulation of the additional 173 chemicals as proposed under STAR. Regulating only those chemicals for which a local risk has been identified would minimize any economic disadvantages to the local business community and help Louisville remain a viable community for business growth. At the same time, the risks associated with emissions of the targeted toxic chemicals would still be reduced.
- ★ The Risk Management Plan developed for the West Louisville Air Toxics Study was not followed to identify specific sources of toxic emissions and develop viable solutions. As a

result, the STAR program will not have the desired effect of targeting specific, cost effective, air toxic emission reductions of the chemicals actually presenting the risk.

- ★ The STAR regulations should equally address all sources of air toxics (vehicles, area sources such as dry cleaners, gas stations, and auto repair shops as well as stationary sources) so the chemicals of concern may be effectively controlled throughout Louisville.
- ★ The formulas proposed in the regulations contain conservative, built-in safety assumptions that will overestimate the risks from industrial sources. Use of these formulas will require actions to reduce an imaginary risk with no actual increase in the protection of public health. The regulated cancer risk value should be changed to require action for risks calculated at greater than 1 in 10,000, consistent with EPA risk protocol.
- ★ It is appropriate to evaluate the risk where people actually live, not on adjacent industrial property, at a fence line, parking lot, or street.
- ★ The County-wide emissions cap requirements found in Regulation 5.21 Sections 2.8 and 4.8, should be removed. It is not appropriate for the District to penalize one business for the emissions from another business by adding up the County-wide emissions, reducing the total, and then arbitrarily cutting up the remaining “emission pie”. As a result, more restrictive emission limits will be assigned to companies that may have already invested in costly emission reduction equipment.

Greater Louisville, Inc. had developed a revised regulatory package that addresses these and other concerns. I urge the Air Pollution Control Board to substitute it for the existing draft STAR package.

Thank you for your consideration,

Note: The specific issues raised will be addressed in the comment/response document, identifying the “ten letters.”

G. 77 cards, as identified below, with the following text were received:

I am concerned about the proposed STAR package. Please consider these comments and concerns:

- ★ The West Louisville Air Toxics Risk Assessment Report identified only 18 chemicals of concern. There is no basis for local regulation of the added 173 chemicals proposed by STAR.
- ★ A scientifically defensible plan specifically directed at the 18 chemicals of concern was not followed to identify specific emission sources and develop appropriate solutions. The proposed STAR program does not provide for cost effective reduction of emissions of the chemicals causing the actual risk.
- ★ The STAR regulations should equally address mobile, area and stationary sources of air toxics so the chemicals of concern may be effectively controlled throughout Louisville.
- ★ The formulas proposed in the regulations contain conservative, built-in safety assumptions that will overestimate the risks from stationary sources. Use of these formulas will require actions to reduce an imaginary risk with no actual increase in the protection of public health. The regulated cancer risk value should be changed to require action for risks calculated at

greater than 1 in 10,000, consistent with EPA risk protocol.

- ★ It is appropriate to evaluate the risk where people live, not on adjacent industrial property, at a fence line, parking lot, or street.

Greater Louisville, Inc. had developed a revised regulatory package that addresses these and other concerns. I urge the Air Pollution Control Board to substitute it for the existing draft STAR package.

Thank you for your consideration,

Note: The specific issues raised will be addressed in the comment/response document, identifying the “77 cards.”

II. Public Hearing: 2-16-05

Statements at the Public Hearing were made by the following:

Eleanor Self	Sister Rose Marie Cummins
Dr. Robert Powell	Jane Bowen
Tim Duncan	Greg Lowman
Wilma Subra	Steve Sparks
Winnie Hepler	Dan Minns
Jim Wade	Tim Karnes
Stanley Wolff	Jeff Campbell
Jonathan D. Miller	Tom Herman
Gracie Lewis	Edward Dusch
Matt Evans	Jodie Goldberg
Clarence A. Dykstra	Corinne Greenberg
Leslie Barras	Rachael Hamilton
Reverend Fred Withers	Sister Julie Driscoll
William T. Minor	Phil Baldyga
Joan Lindop	Alice Wade
Susan Logsdon	Attica Scott
Tom FitzGerald	Rusty Cress
Ralph Rice	Susan Clark
Cyd Tyun	Robert Bottom
Carolyn Brown	Dr. Mark Klan
Charles Pope	Greg Brotzge
Arami Bloom	Shauntrice Lanice
Dennis Conniff	Sharon Dodson
Shannon Graves	George Edwards
Dennis Karl	Eboni Cochran
Cheryl Fisher	Sarah Lynn Cunningham
Ruben Pulliam	Reverend Louis Coleman
Mike DeBusschere	Steve Samuels

The minutes of the Public Hearing follow this document and are available on the District’s web

page at http://www.apcd.org/board/meetings/2005/0216/20050216hearing_minutes.html

III. Substantive Changes Resulting from Public Review Process

Substantive changes, and the basis for the change, are identified in the *STAR Program Formal Comment/Response Document*.

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